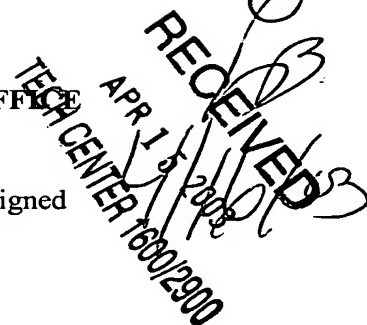




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : K. Bechtold-Peters et al.) Art Unit: 1615
U.S. Appln. No. : 10/085,972) Examiner: To be assigned
Confirmation No. : 1212
U.S. Filing Date : February 28, 2002
Title of Invention : Powder Inhaler Formulations
Attny. Docket No.: 1/1197



Commissioner of Patents and Trademarks
Washington, D.C. 20231

April 8, 2003

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

☐ The fee set forth in 37 C.F.R. §1.17(p).

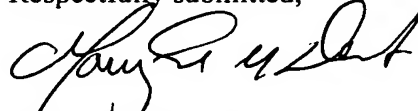
☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,



Mary-Ellen M. Devlin
Attorney for Applicant(s)
Reg. No. 27,928

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

on April 8, 2003



By: Mary-Ellen M. Devlin
Reg. No. . 27,928



PTO/SB/08A (02-03)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/085,972
Filing Date	February 28, 2002
First Named Inventor	K. Bechtold-Peters et al.
Art Unit	1615
Examiner Name	To be assigned
Attorney Docket Number	1/1197

Sheet 1 of 2

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,533,542	08/06/1985	Buddenbaum & Robison	RECEIVED APR 15 2003 TECH CENTER 1600/2900
		US- 3,082,154	03/19/1963	Lionel Victor Allan	
		US- 4,540,602	09/10/1985	Shimesu Motoyama et al.	
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 92/08447	05/29/1992	Glaxo Group Limited		
		WO 00/57881	10/5/2000	Otsuka Pharmaceutical Co., Ltd		
		WO 92/09322	06/11/1992	Boehringer Ingelheim International GmbH		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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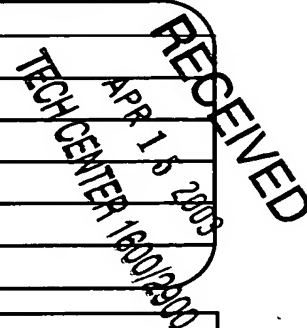
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Completion if Known

Applicant Number	10/085,972
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Art Unit	1615
Examiner Name	To be assigned
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Sheet 2 of 2

**OTHER PRIOR ART--NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		CASSIDY O ET AL: "The effect of surface modification on electrostatic charge of a particulate solid." EUROPEAN JOURNAL OF PHARMACEUTICAL SCIENCES, vol. 4, no. SUPPL., 1996, page S65 XP002232704 Third European Congress of Pharmaceutical Sciences; Edinburgh, Scotland, UK; September 15-17, 1996 ISSN: 0928-0987 abstract	
		NGUYEN H ET AL: "The potential of surface modification to improve wetting, dissolution and electrostatic charge of a hydrophobic drug." JOURNAL OF PHARMACY AND PHARMACOLOGY, vol. 49, no. SUPPL. 4, 1997, page 41 XP009005828 134th Meeting of the British Pharmaceutical Conference, Scarborough, England, UK; September 15-18, 1997 ISSN: 0022-3573 abstract	
		CASSIDY O E ET AL: "Surface modification and electrostatic charge of polystyrene particles." INTERNATIONAL JOURNAL OF PHARMACEUTICS. NETHERLANDS 25 May 1999, vol. 182, no. 2, 25 May 1999 (1999-05-25), pages 199-211, XP01145533 ISSN: 0378-5173 page 199-page 200, page 209, column 2, page 204, column 2, last paragraph	
		CASSIDY, O.E. AND ROWLEY, G.: "The effect of drug surface modification by adsorbed polymer on electrostatic charge" PROC. PHARM. TECH. CONF., vol. 16, no. 3 1997, pages 5-11, XP009005985 page 5, paragraph 1	
		ROWLEY G ET AL: "The development of a particle carrier technique to aid the investigation of electrostatic charging properties of micronized pharmaceutical powders." JOURNAL OF PHARMACY AND PHARMACOLOGY, vol. 47, no. 12B, 1995, page 1100 XP009005825 British Pharmaceutical Conference 1995: Science Proceedings of the 132nd Meeting; Warwick, England, UK; September 15-18, 1995 ISSN: 0022-0375, sentences 1-8	
		CARTER P A ET AL: "Electrostatic charge on inhaled powders." EUROPEAN JOURNAL OF PHARMACEUTICAL SCIENCES, vol. 6, no. SUPPL. 1, August 1998 (1998-08), page S63 XP002232941 Fourth European Congress of Pharmaceutical Sciences; Milan, Italy; September 11-13, 1998 ISSN: 0928-0987 page 1-3	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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